

ESTTA Tracking number: **ESTTA86659**

Filing date: **06/22/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Government of Ethiopia
Granted to Date of previous extension	06/25/2006
Address	Sudan Street, P.O. Box 2490 Addis Ababa, ETHIOPIA

Domestic Representative	Roberta L. Horton Attorney Arnold & Porter LLP 555 Twelfth Street, N.W. IP Docketing Washington, DC 20004 UNITED STATES trademarkdocketing@aporter.com, Roberta_Horton@aporter.com Phone:202-942-5161
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Applicant Information

Application No	78431410	Publication date	12/27/2005
Opposition Filing Date	06/22/2006	Opposition Period Ends	06/25/2006
Applicant	Starbucks U.S. Brands, LLC 2525 Starbucks Way Minden, NV 89423 UNITED STATES		

Goods/Services Affected by Opposition

Class 030.

All goods and services in the class are opposed, namely: Ground and whole bean coffee; prepared coffee based beverages

Attachments	SHIRKINA NotOpp.pdf (5 pages)(202602 bytes)
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Signature	/Roberta L. Horton/
Name	Roberta L. Horton
Date	06/22/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In Re Application Serial No. 78-431410

Mark: SHIRKINA SUN-DRIED SIDAMO [Block letters]

Filed: June 8, 2004

Published in the Official Gazette: December 27, 2005

Government of Ethiopia,)	
)	
Opposer,)	
)	Opposition No. _____
v.)	
)	
Starbucks U.S. Brands, LLC,)	
)	
Applicant.)	
)	

NOTICE OF OPPOSITION

The Government of Ethiopia (“Opposer”) believes that it will be damaged by the registration of the mark SHIRKINA SUN-DRIED SIDAMO [in block letters], which is the subject of Application Serial No. 78-431410, and hereby opposes registration of the same under the provisions of Section 13 of the Trademark Act of July 5, 1946, as amended, 15 U.S.C. § 1063 and Trademark Rule 2.101, 37 C.F.R. § 2.101.

As grounds for opposition, Opposer alleges that:

I. THE PARTIES

1. Opposer is the Ethiopian national government, with an address at Sudan Street, P.O. Box 2490, Addis Ababa, Ethiopia.

2. Applicant Starbucks U.S. Brands, LLC (“Applicant” or “Starbucks”) is a Nevada limited liability company with an address at 2525 Starbucks Way, Minden, Nevada 89423.

II. OPPOSER’S MARKS

3. Opposer uses the well-known SIDAMO trademark in connection with coffee grown in Ethiopia. Ethiopia is, in fact, the birthplace of many high quality types of coffee.

4. Opposer commenced use of the SIDAMO mark in U.S. commerce nearly eight decades ago, in 1928.

5. Opposer has filed an application to register SIDAMO [block letters] for coffee, Serial No. 78-589307. That application is based upon Opposer’s use of the SIDAMO trademark since 1928.

III. APPLICANT’S MARK

6. On information and belief, on June 8, 2004, Applicant filed an application to register the mark SHIRKINA SUN-DRIED SIDAMO that is the subject of Serial No. 78-431410. This application, as amended, covers “ground and whole bean coffee; prepared coffee based beverages.” Applicant made this filing based upon its intent to use the mark in commerce.

7. Applicant’s mark was published for opposition on December 27, 2005.

8. Opposer filed a consented extension of time to oppose that expires on June 25, 2006.

IV. LIKELIHOOD OF CONFUSION

9. There is no issue as to priority. Opposer has used its SIDAMO mark in commerce for nearly eight decades, since 1928. By contrast, Applicant filed an intent to use application more than 70 years later than Opposer's first use date.

10. Applicant's SHIRKINA SUN-DRIED SIDAMO mark is confusingly similar to Opposer's SIDAMO mark for the following reasons, among others:

a) The Marks Are Virtually Identical. The parties' marks are closely similar in sight, sound and appearance. The dominant part of Applicant's proposed SHIRKINA SUN-DRIED SIDAMO mark is obviously the word "SIDAMO", and "SUN-DRIED" is a generic or descriptive term.

b) Similarity of the Products. The parties' goods are also identical or virtually identical. Opposer sells coffee; Applicant intends to sell coffee and coffee-based beverages.

c) Similarity of Trade Channels. The parties do not include any restrictions on trade channels in their applications and registrations. Therefore, on information and belief, Applicant intends to market its coffee-based products through channels of trade identical or similar to those that Opposer uses for products sold under the SIDAMO mark.

d) Nature of Purchasers. Upon information and belief, Applicant also intends to market its coffee-based products under the SHIRKINA SUN-DRIED SIDAMO mark to the same types of consumers that comprise the purchasing

public for Opposer's products offered under the SIDAMO mark, namely, coffee drinkers.

V. DAMAGE TO OPPOSER

11. The Examiner reviewing Opposer's Application Serial No. 78-589307 has cited Applicant's SHIRKINA SUN-DRIED SIDAMO application against Opposer's mark. The Examiner has suspended Opposer's application pending disposition of Applicant's earlier-filed application. If Applicant's application matures to registration, the Examiner may refuse registration of Opposer's mark. Such refusal would clearly damage Opposer and hinder its ability to protect its SIDAMO mark.

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For the reasons set forth above, Opposer believes that it will be damaged by the registration of Applicant's mark SHIRKINA SUN-DRIED SIDAMO. Applicant should thus be denied registration of this proposed mark, and this Opposition to Application Serial No. 78-431410 should be sustained.

This Notice of Opposition is submitted herewith and the official filing fee is enclosed.

GOVERNMENT OF ETHIOPIA

By: Roberta L. Horton
Roberta L. Horton
Anna W. Manville
Catherine Rowland
Arnold & Porter LLP
555 Twelfth Street, N.W.
Washington, DC 20004
(202) 942-5000

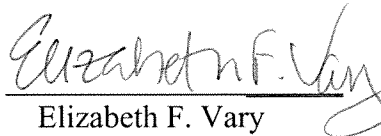
Attorneys for Opposer

Dated: June 22, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Government of Ethiopia,)	
)	
Opposer,)	
v.)	Opposition No. _____
Starbucks U.S. Brands, LLC,)	
)	
Applicant.)	
)	

I hereby certify that the foregoing Notice of Opposition is being filed electronically, on June 22, 2006, with the U.S. Patent and Trademark Office, Trademark Trial and Appeal Board.


Elizabeth F. Vary